



Freedom of Information Act (FOIA) Fiscal Year (FY) 2015 Chief FOIA Officer report

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Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's [FOIA Memorandum](#) and the Attorney General's [FOIA Guidelines](#) is the presumption of openness.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

FOIA Training:

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Answer: Yes, our newest FOIA professional attended the 2-day FOIA for Attorneys and Access Professionals training provided by the Department of Justice. In addition, all members of MCC's FOIA office have been trained on the President's FOIA memorandum and the Attorney General's FOIA Guidelines in order to ensure a presumption of openness.

2. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Answer: 33 percent. Due to the small number of FOIA requests received by MCC, the agency has a small FOIA Office comprised of 3 people. Our newest employee attended substantive FOIA training at DOJ during this reporting period.

3. In the [2014 Chief FOIA Officer Report Guidelines](#), OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

Answer: MCC's FOIA professionals will continue to attend training sessions provided by the Department of Justice on an annual basis. Any new members of MCC's FOIA team will attend more extensive FOIA training.

Discretionary Releases:

4. Does your agency have a distinct process or system in place to review records for discretionary release?

Answer: MCC receives a low number of requests each year and is able to analyze each requested document for potential discretionary releases when FOIA exemptions may be applied. In addition, MCC pursues a policy of proactive disclosure to ensure information is generally accessible to the public without the need to submit a FOIA request. Not only are all of our compacts and threshold programs listed on our public website, but we include the core program documentation and the results of those programs as they progress. MCC also has a Disclosure Review Board which analyzes the data we produce to determine how we can make it more available to the public.

5. During the reporting period, did your agency make any discretionary releases of information?

Answer: MCC has not made any discretionary releases of otherwise exempt information this year. However, see the answer to 4 above.

6. What exemption(s) would have covered the material released as a matter of discretion?

Answer: N/A

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

Answer: While MCC has not made any discretionary releases of otherwise exempt information, the agency has, on several occasions, released documents not originally requested in order to provide the requestor with additional information related to his/her original request. Also, when feasible, MCC has created documents in order to fully grant requests, instead of denying requests due to a lack of records.

8. If your agency was not able to make any discretionary releases of information, please explain why.

Answer: Most of MCC's denials involve situations where no records exist. Others involve proprietary or private personal information. MCC has released all information it possibly can in accordance with the FOIA and the policy of openness.

Other Initiatives

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

Answer: MCC proactively publishes a wealth of data and information to allow the public to understand not only how we invest taxpayer dollars, but also how we make decisions as an agency. On a quarterly basis—and in open, accessible and machine-readable formats—MCC posts complete financial and program performance information. MCC’s monitoring and evaluation data, independent evaluations, economic analysis and country selection information is available on our website. We also publish all procurement information to the public. As we review all the data and information produced at MCC, we continually identify new sources that could be made available to the public and add to the content available.

In addition, in 2014 MCC developed a Policy on Access to Information and Materials that provides internal guidance to MCC staff on how to proactively disclose information.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

As the Attorney General emphasized in his [FOIA Guidelines](#), “[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.” It is essential that agencies effectively manage their FOIA program.

Describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

1. For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2014 Annual FOIA Report.

Answer: Our agency did not adjudicate any requests for expedited processing during Fiscal Year 2014.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Answer: N/A

Requester Services:

3. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?

Answer: No, MCC has not notified requestors of these services, but will do so in the future when affirming denials on appeals.

4. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication?

Answer: MCC has a low number of FOIA requests per year and historically we have not had to charge fees. However, should the need arise, MCC will charge requestors in accordance with 22 CFR 1304.9, MCC's Freedom of Information Act Procedures.

5. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?

Answer: N/A

Other Initiatives:

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

Answer: Until a change in personnel during the reporting period, MCC's system had been operating efficiently. In 2015, MCC will conduct an internal review to determine how well our FOIA processes are operating and to identify steps that could be taken to improve efficiency.

Section III: Steps Taken to Increase Proactive Disclosures

Both the [President](#) and [Attorney General](#) focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

Answer: No, FOIA professionals do not have a system in place to identify records for proactive disclosures. However, MCC as an agency strives to operate as transparently as possible. MCC voluntarily posts a large number of legal agreements, including compacts and threshold program documents, guidance papers and relevant business information on its website. Also, see answer to 9 under Section I. *Other Initiatives* above.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Answer: Yes, MCC's Policy on Access to Information and Materials provides internal guidance to MCC staff on how to proactively disclose information. The policy outlines procedures for staff to follow when requesting the release of materials covered by the policy. The Office of General Counsel representative providing clearance as described in the policy is responsible for considering whether the release has potential FOIA implications. As such, OGC will consult with relevant parties, including the Chief FOIA Officer or his/her designee, as necessary to make this determination as part of their clearance. Even though certain categories of documents may be withheld pursuant to a FOIA exemption, MCC may choose to release any of those documents if MCC determines the release is in the best interests of MCC, and will not harm any Federal agency program.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

Answer: Processes, to include one for identifying data assets not yet publicly available and establishing specific timelines for online publication in open formats, are under review and will continue to reflect changes as part of MCC's robust implementation of the May 9, 2013 Executive Order on Open Data.

4. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

Answer: MCC as an agency strives to operate as transparently as possible. MCC voluntarily posts a large number of legal agreements, including compacts and threshold program documents, guidance papers and relevant business information on its website. Please visit

<http://www.mcc.gov/pages/countries>.

MCC's Open Data Catalog (<http://data.mcc.gov/>) provides public access to high-value data generated, collected and held by MCC. On a quarterly basis—and in open, accessible and machine-readable formats—MCC posts complete financial and program performance information; MCC's monitoring and evaluation data, independent evaluations, economic analysis and country selection information is also available at <http://www.mcc.gov/pages/results>.

The public may also review information related to planned procurements and contract awards for MCC's Compact and Threshold programs on the following webpages:

<http://www.mcc.gov/pages/business/compactprocurements> and <http://www.mcc.gov/pages/business/thresholdprocurements>, respectively. Financial and performance reports related to MCC's US business operations is available here: <http://www.mcc.gov/pages/about/reports>, including MCC's Agency Financial Report for FY14.

As we review all the data and information produced at MCC, we continually identify new sources that could be made available to the public and add to the content available.

Other Initiatives

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

Answer: For additional information, please review MCC's 2014 plan for promoting transparency, participation and collaboration in all aspects of its work to reduce poverty through economic growth at <https://www.mcc.gov/pages/docs/doc/open-government-plan>.

Section IV: Steps Taken to Greater Utilize Technology

Making Material Posted Online More Useful:

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Answer: Yes. MCC is committed to making its content and data on the website easy to discover, understand and use; and continuously assesses ways to improve the site's usability through improvements to navigation and content organization. MCC's myriad reports are not

only easier to find but also published as HTML to make for a better experience regardless of the type of device used.

MCC has a strong public engagement and information strategy which is carried out through monthly, quarterly and annual events with the general public and stakeholders. These events include digital strategies, such as social media chats and town halls.

2. If yes, please provide examples of such improvements.

Answer: MCC's commitment to building an enhanced public website will continue to be a flagship initiative as part of the agency's 2014 Open Government Plan, building on a new architectural framework and a new approach to visualizing data. Steady progress has been made in understanding how to best present MCC's data and pair that with the best user experience possible. The new website design will allow the agency to maximize opportunities for public participation and collaboration through improved web feedback features, and offer multiple points of entry that will make the agency's data more clear and accessible. The enhanced design will be coupled with a new web governance plan that allows the editorial process to include direct participation by more stakeholders from across the agency. Traffic to the new MCC website will be more vigorously measured with a plan to regularly assess metrics on the variety of data and other written products. The plan calls for measuring not only the number of visits to the site, but also the time spent on each page or product. Over a period of time, this will allow MCC to adjust its outreach in other areas such as Twitter, e-newsletters and email campaigns, in order to drive more traffic to the website and increase first-time and repeat visitors.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Answer: No.

4. If so, please briefly explain what those challenges are.

Answer: N/A

Other Initiatives

5. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

Answer: No, due to a loss of staff the reports for Q1-Q3 were not posted.

6. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is

successful in Fiscal Year 2015.

Answer: Our FOIA office is now fully staffed and MCC timely posted its Quarterly Reports for Quarter 4, FY2014 and for Quarter 1, FY 2015.

7. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?

Answer: Yes, FOIA requests can be made via email to foia@mcc.gov. FOIA professionals also communicate with the requestors via e-mail to clarify and respond to requests.

8. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means?

Answer: N/A

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The [President](#) and the [Attorney General](#) have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2014 Annual FOIA Report and, when applicable, your agency's 2013 Annual FOIA Report.*

Simple Track:

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Answer: No.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

Answer: N/A

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

Answer: N/A

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Answer: No. The average number of days was 23.

Backlogs:

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

Backlogged Requests

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

Answer: No, due to a loss of staff. Our backlog increased by 19.

6. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2014. If your agency did not receive any requests in Fiscal Year 2014 and/or has no request backlog, please answer with "N/A."

Answer: 67 percent

Backlogged Appeals

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?

Answer: N/A

8. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2014. If your agency did not

receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with “N/A.”

Answer: N/A

Status of Ten Oldest Requests, Appeals, and Consultations:

Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” and Section XII.C., entitled “Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency,” show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

Ten Oldest Requests

9. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Answer: Yes.

10. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Answer: N/A

11. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

Answer: 0

Ten Oldest Appeals

12. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Answer: MCC did not have any appeals that were reported pending in our Fiscal Year 2013 Annual FOIA Report.

13. If no, please provide the number of these appeals your agency was able to close by the end of the

fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Answer: N/A

Ten Oldest Consultations

14. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Answer: MCC did not have any consultations reported pending in our Fiscal Year 2013 Annual FOIA Report.

15. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Answer: N/A

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

16. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

Answer: MCC did not face any obstacles from closing its ten oldest requests, and MCC did not have any appeals or consultations from Fiscal Year 2013 to close.

17. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Answer: N/A

18. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2015.

Answer: N/A

Use of the FOIA’s Law Enforcement Exclusions

19. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?

Answer: No.

20. If so, please provide the total number of times exclusions were invoked.

Answer: N/A